

Motion denied. There are issues of material fact, as to the relations of defendants among themselves, as to the separateness of the corporate defendants, and as to the roles

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MOU SI CHEN and XIANG LAN CHEN,

Plaintiffs,

-against-

AMOR RESTAURANT GROUP INC. (d/b/a
CHINATOWN EAST), BEYOND ASIAN
RESTAURANT INC. (d/b/a CHINATOWN EAST),
YUN LIN CHEN (a/k/a KANGDI), YU ZHEN LI,
JIMMY CHEN and JESSICA CHEN,

Defendants.

Case No. 12-cv-1146 (AKH) (FM)

of the individual defendants.
NOTICE OF MOTION TO DISMISS

The motion is premature before there is discovery. The parties, by counsel, shall attend an initial Case Management Conference on Aug. 24, 2012 at 10 AM. Doc. #8

PLEASE TAKE NOTICE that upon the Memorandum of Law in Support of the Motion

to Dismiss, dated April 20, 2012, by Defendants Amor Restaurant Group Inc. (d/b/a Chinatown

East), Yun Lin Chen and Jimmy Chen (collectively, "Amor Defendants"), the Supporting

Affidavit of Yun Lin Chen, sworn to on April 20, 2012, and the exhibits annexed thereto, the

Supporting Affidavit of Jimmy Chen, sworn to on April 20, 2012, and upon all pleadings and

prior proceedings had herein, the Amor Defendants will move this Court before the Honorable

Alvin K. Hellerstein, at the United States Courthouse located at 500 Pearl Street, New York,

New York 10007-1312, Courtroom 14D, for an Order pursuant to Fed. R. Civ. P. 12(b)(6),

dismissing the Complaint in its entirety against the Amor Defendants and for such other and

further relief that this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that pursuant to Local Rule 6.1, opposing

papers, if any, shall be served within fourteen days after service of this motion.

is terminated!
8/7/12
Chick

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED 8/7/12

Dated: New York, New York
April 20, 2012

Respectfully Submitted,

MOSES & SINGER LLP

*Attorneys for Defendants Amor Restaurant Group
Inc. (d/b/a Chinatown East), Yun Lin Chen and
Jimmy Chen ("Amor Defendants")*

By: s/ David B. Feldman
David B. Feldman (DF6547)
Shari A. Alexander (SA0615)
405 Lexington Avenue
New York, New York 10174-1299
Tel: (212) 554-7635
Fax: (212) 377-6068
dfeldman@mosessinger.com
salexander@mosessinger.com

TO: SHERMAN & STEARLING LLP
Jaculin Aaron
Jason M. Swergold
599 Lexington Avenue
New York, New York 10022
(212) 848-4000

THE LEGAL AID SOCIETY
Steven Banks, Attorney-in-Chief
Adriene Holder, Attorney-in-Charge, Civil Practice
Karen Cacace, Supervising Attorney, Employment Law Unit
Aaron Halegua, Of Counsel
199 Water Street, 3rd Floor
New York, New York 10038
(212) 577 3363

Attorneys for Plaintiffs

TODD & LEVI, L.L.P.
Jill Levi
444 Madison Avenue, Suite 1202
New York, NY 10022
(212) 308-7400

*Attorneys for Defendants Beyond Asian
Restaurant Inc., Yu Zhen Li and Jessica Chen
("Beyond Asian Restaurant Defendants")*